

TUESDAY 3:00 P.M. MARCH 9, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner (arr. 3:15 p.m.)
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Katy Simon, County Manager
- Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**99-197 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the agenda for the March 9, 1999, meeting be approved with the following amendment:

Delete:  
Item 13, discussion concerning donation of Water Quality Mitigation monies to Tahoe Regional Planning Agency for small engine watercraft mitigation project.

**PUBLIC COMMENTS**

Frank Partlow, Washoe County resident, stated that he wanted to congratulate the Board and County staff for the very successful joint meeting held with the City of Reno earlier this same date concerning consolidation of fire services. He further stated that 96 percent of the costs for fire services are labor and employee benefit expenses, which costs are negotiated behind closed doors.

**THE BOARD CONVENED AS THE COUNTY LIQUOR BOARD 99-198 REFUND OF FEES - LEO HART - BUSINESS LICENSE DIVISION**

Upon recommendation of Karen Carmel, Supervisor, Business License and Enforcement, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a refund of fees in the amount of \$350.00 to Leo Hart be approved. It was noted that Mr. Hart experienced unexpected construction delays in getting his restaurant opened; that the area was recently annexed into the City of Reno; and that the background investigation fee is not being refunded as the investigations were completed.

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**THE BOARD RECONVENED AS THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS 99-199 PRESENTATION ON COMMON COMMUNITY AGENDA-1999 - COMMUNITY ACTION TASK FORCE - DEPARTMENT OF COMMUNITY DEVELOPMENT**

Bob Webb, Community Coordinator, introduced Barbara Drake and Frank Partlow, two members of the Community Action Task Force. Ms. Drake presented an overview of the "Green Book" highlighting the priorities selected for focus, such as increasing tourism, attracting new businesses and expanding existing businesses to strengthen the economic base, and determining a vision for the

community. Mr. Partlow discussed the priorities selected in the government area, with the most important being more interaction among the elected officials, sharing of information between entities, especially in the area of budgets, and consolidation and regionalization of governmental services. He further stated that another priority is that government should accurately determine what it costs to provide certain services by costing items out like a business would and pursue competition so costs can be lowered. Mr. Partlow also stated that another issue that has to be tackled is fiscal inequities, which the group is working on.

**99-200 ACCEPTANCE OF DONATION - RAYTHEON THERMAL IMAGING NIGHT SIGHT DEVICE - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the transfer of one Raytheon Hand Held Thermal Imager from the Counter Drug Technology Center, valued at \$13,000, be accepted with the Board's gratitude. It was noted that the equipment will be used in Search and Rescue efforts and will become the property of the Sheriff's Office.

**99-201 DONATION OF FEDERAL FORFEITURE FUNDS TO THE SIERRA ARTS FOUNDATION - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that a \$500 donation from Federal Forfeiture Funds (Account No. 15141D) to the Sierra Arts Foundation to be used to co-fund an at-risk youth mural project at Incline High School currently being organized by the Student/Community Liaison, Ted O'Connell, be approved.

**99-202 CONTINGENCY TRANSFER - PUBLIC WORKS - WASHOE- STOREY CONSERVATION DISTRICT - FINANCE**

Upon recommendation of John Sherman, Interim Director of Finance, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that a transfer from Contingency to Public Works for computer equipment costs for the Washoe-Storey Conservation District be approved and that the Comptroller be directed to make the necessary entries as follows:

ACCOUNT	DESCRIPTION	DECREASE AMOUNT	INCREASE AMOUNT
001-1890-7328	Contingency	\$15,577	
001-1601-72912	Washoe-Storey Conservation District		\$15,577

**99-203 REQUEST TO EXEMPT DISTRICT COURT FROM THIRD AND FOURTH QUARTER SALARY SAVINGS SWEEP**

A recommendation was received from Cathy Krolak, District Court Administrator, requesting that the District Court be exempted from the third and fourth quarter salary savings sweep in order to fund an unanticipated need for a full-time temporary attorney in Family Court. Katy Simon, County Manager, stated that her recommendation would be to not exempt the District Court from the salary savings sweep and to address the funding needed for the specific position

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the District Court not be exempted from the third and fourth quarter salary savings sweep conducted by the Finance Division and that the funding needs for the temporary attorney in Family Court be addressed.

**99-204 REFUND OF TAXES - REMSA**

Pursuant to District Attorney Opinion No. 6367, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute on behalf of Washoe County:

**RESOLUTION** -- Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, REMSA (Taxpayer) made application for the refund of 1997-1998 real property taxes because the Taxpayer's property, APN 012-319-21, became tax exempt after the date on which the exemption claim must be filed; and

WHEREAS, REMSA has overpaid taxes for fiscal year 1997-1998 in the amount of \$7,470.52; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. The Treasurer of Washoe County be and hereby is authorized and directed to refund to REMSA a total of \$7,470.52, that amount being the taxes overpaid by REMSA for the tax year 1997-1998 on APN 012-319-21.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

#### **99-205 CORRECTION OF FACTUAL ERRORS - 1997-98 & 1998-99 SECURED & UNSECURED TAX ROLLS**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, and Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Galloway be authorized to execute on behalf of the Commission.

Perkin Elmer Leasing	APN #2/191-442	(1997/98 Unsecured Roll)
La Perrona LLC et al	Parcel No. 003-070-10	(1998/99 Reopen Roll)
The Cambridge School	I.D. #2/600-061	(1998/99 Unsecured Roll)
RTV News	APN #2/192-066	(1998/99 Unsecured Roll)
First Security Leasing Co.	APN #2/191-506	(1998/99 Unsecured Roll)
Callender & Sons Landscape	I.D. #2/113-012	(1998/99 Unsecured Roll)

#### **99-206 RESOLUTION - WELLS FARGO BANK, SUN VALLEY BRANCH**

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution, encouraging Wells Fargo Bank to keep their Sun Valley branch facility open, be adopted and duly executed by the Board:

#### **RESOLUTION**

WHEREAS, Sun Valley is a distinct community with an area of ten square miles and a population of 14,500; and

WHEREAS, in the Sun Valley community there is presently only one banking facility, which is Wells Fargo Bank; and

WHEREAS, there is a distinct possibility that the Wells Fargo Bank may close its branch facility in Sun Valley in the near future; and

WHEREAS, if this possibility comes to pass, it would severely impact the residents of the Sun Valley community; now, therefore, be it

RESOLVED, that the Washoe County Board of Commissioners strongly encourages Wells Fargo Bank to keep their Sun Valley branch facility open in order to serve the banking needs of the residents in that area.

**99-207 AGREEMENT - U.S. GEOLOGICAL SURVEY - STREAM AND PRECIPITATION GAGES - FLOOD WARNING SYSTEM - WATER RESOURCES**

Upon recommendation of Leonard Crowe, Water Resources Planning Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County and the U.S. Geological Survey, concerning operation and maintenance of stream and precipitation gages associated with the Reno/Sparks Metropolitan Area Flood Warning System for Fiscal Year 1999, in the amount of \$30,900, be approved and Chairman Galloway be authorized to execute.

**99-208 RIGHT OF ENTRY AGREEMENT - UNION PACIFIC RAILROAD - GROUNDWATER CONTAMINATION - GERLACH - PUBLIC WORKS**

Following discussion, upon recommendation of Dave Price, County Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Right of Entry Agreement between Washoe County and Union Pacific Railroad Company, concerning access to the railroad's right-of-way for sampling and testing of groundwater to determine the extent of groundwater contamination beyond the County property boundary, be approved and Chairman Galloway be authorized to execute. It was noted that Robinson Engineering Company has submitted a cost proposal of \$6,155 for this phase of the testing and, depending on the results of these tests, the Nevada Division of Environmental Protection may require additional monitoring wells on adjacent properties, but no other remediation is anticipated.

**99-209 ENGAGEMENT LETTER - KAFOURY, ARMSTRONG & CO. - AUDITING SERVICES - FINANCE DIVISION**

Chairman Galloway noted that Kafoury, Armstrong has been doing the audits for four years and stated that he feels it might be appropriate to put out a Request for Proposals for this service next year. Commissioner Sferrazza requested information concerning the history of the audit fees over the past several years.

Upon recommendation of John Sherman, Interim Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Engagement Letter between Washoe County and Kafoury, Armstrong & Co., concerning providing auditing services for Washoe County for the year ending June 30, 1999 be approved; that Chairman Galloway be authorized to execute same; and that a new Request for Proposals be put out for these services next year.

**99-210 ARCHITECTURAL AGREEMENT - HERSHENOW + KLIPPENSTEIN ARCHITECTS LTD. - SUN VALLEY TEEN CENTER - PUBLIC WORKS**

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that an Agreement for Architectural Services between Washoe County and Hershenow + Klippenstein Architects Ltd., concerning programming, design and construction services for the Sun Valley Teen Center, in the amount of \$25,000, be approved and Chairman Galloway be authorized to execute.

**99-211 ARCHITECTURAL AGREEMENT - GANTHNER MELBY LLC - CIVIL PROTECTIVE CUSTODY JAIL EXPANSION - PUBLIC WORKS**

In response to questions raised at Caucus, Katy Simon, County Manager, advised that in 1998 there were 3,418 bookings into the Civil Protective Custody unit and there is currently nowhere other than the Washoe County Jail to take these people.

In response to Commissioner Sferrazza's concerns regarding the increase in costs, Dave Roundtree, Public Works Director, explained that the original \$45,000 estimate for the architectural services was based on a space utilization study conducted in early 1988, which identified 5,000 square feet for the CPC unit; that the estimated space needs now are at least 6,000 square feet; that there are a number of significant utility relocations required that had not been previously identified; and that expansion of the

warehouse is also being added to the project. Commissioner Sferrazza noted that there is a 20 percent increase in square footage and a 100% increase in costs.

Chairman Galloway stated that he feels this is a result of a mandate put on the County because NASAC cut back and that it is his hope that the County can pursue some kind of relief for this. Commissioner Bond asked about fiscal commitments from other agencies. Undersheriff Dennis Balaam explained that when NASAC took the CPC's, Washoe County was paying them \$50,000 and Reno was paying them \$60,000; that now the County does not have to pay another agency and Reno is paying their \$60,000 to the County.

Following further discussion, upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that an Architectural Services Agreement between Washoe County and Ganthner Melby LLC, concerning the design of the civil protective custody expansion to the Washoe County Jail, in the amount of \$83,000, be approved and Chairman Galloway be authorized to execute.

Commissioner Sferrazza stated that his reason for voting against the motion is that he believes this is an excessive increase in the architectural fees.

#### **99-212 AGREEMENT - U.S. FILTER CORPORATION - ASSIGNMENT OF TRUCKEE MEADOWS PROJECT PURCHASE AGREEMENT - WATER RESOURCES**

The Board held a discussion that lasted over two hours on the proposed agreement between Washoe County and US Filter Corporation, concerning assignment and transfer of the Truckee Meadows Project, the Purchase Agreement and related assets, the Dry Valley Water rights held by Washoe County; the Takings Litigation against the United States; providing the opportunity for banking of project water rights through a trust; and other matters relating to the Truckee Meadows Project. Chairman Galloway prefaced the discussion by saying that the intent is to get Washoe County out of a participant role in this water importation project.

Ed Schmidt, Director, Department of Water Resources, reviewed historical information explaining the current situation the County is in regarding the Truckee Meadows Project, how it got there, and what staff has been working on to remedy the situation.

Commissioner Sferrazza requested that several clauses in the proposed agreement be amended, i.e., page 4, paragraph 3C, to add that County staff time be reimbursed; page 5, section 5, he feels that the percentage of the hookup fees paid to the County should be more than 15 percent and that the payment within 60 days language needs to be better clarified; page 6, paragraph 8A, the decisions concerning the Takings Case should be at the sole discretion of the County, not US Filter; and paragraph 8C, if Filter terminates its obligation, they will not seek reimbursement from the County for their costs. Commissioner Sferrazza further stated that he objects to paragraph 9A and totally disagrees with the determination that the special use permit granted to the Truckee Meadows Project means that US Filter would not be required to get permits for undergrounding or the pipeline, etc., and he requested that language eliminated.

Mr. Schmidt explained that the 15 percent figure was a negotiation.

Commissioner Sferrazza stated that by his calculations this would mean the County would be getting reimbursed about 50 cents on the dollar and that he does not support giving US Filter the water in the first place, but if that does happen, the County should at least get a fair return.

Commissioner Shaw stated that in December staff was directed to begin negotiations with US Filter and to get the best deal they could; and that Board members could sit here all afternoon and pick this agreement apart paragraph by paragraph, but he is not sure the County would get a better deal.

Legal Counsel Madelyn Shipman advised that she received a proposed final agreement late yesterday (Monday, March 8, 1999); that there are some minor changes and one substantive change; that there was a change inserted by the Washington D.C. attorney, which she needs to discuss with that firm; that Board members are requesting changes; that she is glad to be getting all this input now; and that, hopefully, they will be able to present a final proposed agreement at the Board's next meeting.

A lengthy discussion ensued concerning the Takings litigation with Ms. Shipman explaining strategy and Commissioner Sferrazza expressing that he does not think it is right for US Filter to be able to dictate the County's role in the case and that, while he does not believe the case really has much merit, it would also not be right for US Filter not to share damage awards, if there are any.

The next issue discussed at length was the special use permit issued in 1989 and Dean Diederich, Planning Manager, Department of Community Development, responded to concerns stating that the special use permit issued to construct the pipeline with pump stations and water storage tanks is still in effect; that there were alternate routes proposed at the time of application because the Environmental Impact Statement (EIS) was not yet complete; and that US Filter would not need to get another special use permit or amend this permit unless they deviate substantially from the original application. Mr. Diederich further explained that it is quite common for utility projects, i.e., sewer, water, electricity, natural gas, to propose different routes until their final engineering is done and the actual alignment is selected. Don Mahin, Hydrologist with the Department of Water Resources, displayed a map on the overhead projector and outlined the proposed pipeline routes. Commissioner Sferrazza stated that what this does is enable the water importation project to go forward and enable development to occur that might not otherwise occur, which he does not support.

Steve Walker, Water Resources Manager, Mr. Mahin, and Vahid Behmaram, Water Rights Technician, explained in detail the water rights issues in the Warm Springs and Dry Valley hydrographic basins, the Winnemucca Ranch water rights, the water in Spanish Flat Reservoir, the historical beneficial usage's and the natural and diverted flows of these waters. Mr. Walker stated that approximately 960 acre feet of Winnemucca Ranch water rights are not a part of the project. Mr. Mahin explained that back in 1988-1989, when the original purchase agreement was put together for the Truckee Meadows Project, there were a lot of unknowns concerning the actual quantity of water out there. Mr. Walker also clarified the difference between "water rights" and "wet water". Chairman Galloway clarified his understanding that the reason the Dry Valley water is being included in the US Filter agreement is because it was a part of the original project.

Chairman Galloway stated that many of the changes being requested are just a matter of wordsmithing, which should not be a problem. He further stated that his feeling is that what the taxpayers want is for their County government not to be mired in a project where taxpayer dollars are being used to subsidize private business; that what they are trying to do is get the County out of this project; that he does not assume the County can get a better deal; that US Filter may or may not be able to bring the water into the North Valleys, but the County should not put legal obstacles in their way; and that there are no taxpayer dollars going out for this agreement.

Chairman Galloway then stated that several people have expressed a desire to speak concerning this matter; and that one of them, John Hatter, had to leave but did indicate on the request to speak from that he was against approval of the agreement. He stated that Reno citizen Sam Dehne had also left a note expressing his opposition to the agreement.

Robert Weiss stated that he is a citizen of Washoe County and that while he does work with Sierra Army Depot, he is not speaking for that entity; that the data from the original EIS is stale; that there is current, scientific data that should be studied; that the water necessary to make this a profitable project is not there; and that the project should just be dropped.

Viola Perkle, Honey Lake Valley resident, expressed her opposition to the project citing environmental concerns.

Richard Horton, attorney representing Robert Marshall, a rancher in Warm Springs and co-manager of Intermountain Pipeline, Ltd., stated that the County is selling County assets in violation of the statutes; that NRS 244.279 requires that the sale of water rights by the County must be done by public auction unless they are being sold to a public utility; and that the County cannot just sell 2,000, or more, acre feet of water for nothing, which is what it may end up getting. He stated that a better option for the County would be to do nothing and wait for Franklyn Jeans to terminate the agreement, which he would have to do sooner or later if the County did nothing; and that if that occurred, the County would transfer only the Fish Springs water, which the County never owned anyway, and the County would keep the water it purchased from the LaRues (Winnemucca Ranch) for \$2-million and would be able to recover its unreimbursed project costs. Mr. Horton urged that at the very least, if the County does enter into an agreement with US Filter, the LaRue water from Spanish Flat Reservoir be excluded so that the County is not paying US Filter over

\$2-million in water to get rid of the project.

In regard to the water rights having to be sold at public auction, Ms. Shipman stated that it is her opinion that this is not a sale; that it is a transfer and a successor in interest of a continuing project; and that she will research the issue further and report back to the Board. She also discussed possible litigation against the County if an agreement is not reached.

Mr. Marshall provided some additional historical information concerning the water rights and stated that the County had also purchased several water rights applications back then that totaled 1,413 acre feet for \$237,090, that that water plus the 515 acre feet from Black Canyon is the 2,000 acre feet that was supposed to come from Winnemucca Ranch; and that the Spanish Flat water was not included in the original agreement and should not be included in the agreement with US Filter. He stated that the 2,200 acre feet of water in Spanish Flat is public property. Mr. Marshall further stated that under state law the project is going to have to go through a conformance review at the Regional Planning Commission; that the Regional Water Plan will need to be amended; and that the paragraph in the agreement where the County warrants that these things aren't necessary could cause some serious problems in getting that conformance review.

Mr. Walker advised that the 1,413 acre feet in the option agreement has been analyzed by staff and they have determined that water does not exist. He also reported that the Regional Water Commission has listed four water importation projects for the North Valleys strategy, one of them being the Honey Lake project; that RWC has recommended that all four projects be pursued simultaneously because they all have flaws; and that the Regional Water Plan recognizes that if any of these projects are successful in bringing water into the North Valleys for a community water supply, the plan would need to be amended.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that consideration of the agreement transferring the Truckee Meadows Project to US Filter be continued to the March 16, 1999, meeting.

#### **99-213 AWARD OF BID - CUSTOM MODULAR OFFICE/CLASSROOM BUILDING - BID NO. 2092-98 - SHERIFF**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on June 8, 1998, for Custom Modular Office/Classroom Building for the Sheriff's Office. Proof was made that due and legal Notice had been given.

GE Capital Modular Space was the only vendor to submit a bid. Northwest Building Systems, Quick Space and Williams Scotsman failed to respond to the invitation to bid.

Katy Simon, County Manager, stated that she did want to reassure the Board that the building will be moveable and portions will be moved to the new training center when that facility is constructed.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2092-98 for Custom Modular Office/Classroom Building for the Sheriff's Office be awarded to the sole bidder, GE Capital Modular Space, in the amount of \$129,998.00.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for the five-year financing package with GE Public Finance, Inc., upon approval by the Nevada Department of Taxation, subject to review and approval by the Finance Division of the Washoe County Manager's Office; and that Bid Items #5-skirting material, #6-handicap ramp, #7-prefabricated steps, and #9-site electrical connections be rejected as pricing on these items exceeded the Sheriff's Department budget estimates and it is believed that costs can be reduced by contracting for these items separately.

It was noted that it will be necessary for the Board to conduct a public hearing on its intention to authorize a medium term obligation and adopt a resolution authorizing medium term financing to GE Public Finance, Inc., for this purchase, which is the next item.

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on February 27, 1999, concerning authorization of a Medium-term Obligation for the acquisition of a modular office/classroom building to be used at the Washoe County Range Facility by the Sheriff's Office. Proof was made that due and legal Notice had been given.

Chairman Galloway opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute on behalf of Washoe County:

**RESOLUTION AUTHORIZING A MEDIUM TERM OBLIGATION**

WHEREAS, the Board of County Commissioners of Washoe County, at a regular meeting held on March 9, 1999 at 5:00 p.m., determined that the public interest requires a Medium-term Obligation; and the following findings of fact determine this:

WHEREAS, the Washoe County Sheriff's Office is in need of an office/classroom for weapons training at the Washoe County Range Facility.

WHEREAS, proper notice was given of the intention to act upon the Resolution Authorizing a Medium-term Obligation pursuant to Nevada Revised Statutes 350.087 and Nevada Administrative Code 350.100 through 350.160.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA THAT:

Section 1. The County Purchasing Department is hereby directed to award bid for the purchase of a Modular Office/Classroom on behalf of the Washoe County Sheriff's Office to GE Capital Modular Space, 3287 Monier Circle, Rancho Cordova, CA 95742, contingent upon approval of the State of Nevada Department of Taxation. The medium-term financing of this Modular Office/Classroom will be through GE Public Finance, Inc., 8400 E. Normandale Lake, Suite 470, Minneapolis, MN 55437.

Section 2. The public interest requires the medium-term financing of a Modular Office/Classroom to be used for weapons training at the Washoe County Range Facility.

Section 3. There is adequate appropriation authority within the Washoe County Sheriff's Office to repay this obligation and no expenditure augmentations are recommended at this time.

Section 4. The term of this medium term financing shall be five (5) years commencing on April 1, 1999 to be repaid within that term.

Section 5. There shall be interest with an effective APR not to exceed 5.2582%.

Section 6. This resolution shall be effective on passage and approval.

Section 7. The Officers of the County designated in the form of the lease purchase agreement and other documents to be executed in connection with the lease purchase financing authorized by this resolution are hereby authorized to execute and deliver those documents on behalf of the County in substantially the form as is now before the Board, contingent upon approval of the Department of Taxation.

Section 8. The County Clerk is hereby directed to distribute a copy of the Clerk's Order and an executed copy of this

resolution to the Finance Division within 5 days.

Section 9. The Finance Division is hereby directed to distribute copies of this Resolution and related documents to the Executive Director of the Department of Taxation within 7 days.

**99-215 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-TC-1 - WALIGORA COMMERCIAL - (APN: 84-292-13, 14, 15, 16)**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on February 26, 1999, to consider the Washoe County Planning Commission's recommendation to amend the Truckee Canyon Area Plan, being a part of the Washoe County Comprehensive Plan, by amending the text of the area plan and by changing the land use designations (i.e.: regulatory zones) and the text of the Truckee Canyon Area Plan on 4 parcels totaling approximately 29.1 acres on the south side of the west I-80 Wadsworth interchange. The parcels are within the Truckee Canyon Hydrographic Basin, and are designated Rural Reserve on the Truckee Meadows Regional Plan Land Use Diagram. Administrative changes are necessary to reflect the changes requested within this application, including revisions to the Streets and Highways System Plan, a revised map series, and a revised table of land use acreage. The parcels are designated "Rural Reserve" on the Truckee Meadows Regional Plan Land Use Diagram, therefore a finding of conformance with the Regional Plan is required. Proof was made that due and legal Notice had been given.

Ron Kilgore, Department of Community Development Planner, provided background information, stating that staff does feel subject property is appropriate for commercial development, and answered questions of the Board.

Chairman Galloway opened the public hearing by calling on anyone wishing to speak concerning this comprehensive plan amendment request. There being no response, the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Galloway ordered that Comprehensive Plan Amendment Case No. CPA98-TC-1 and the necessary administrative changes be approved. This action is based on the following findings:

1. The proposed amendment to the Truckee Canyon Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested commercial land use designation.
2. The proposed amendment to the Truckee Canyon Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan and the Truckee Canyon Area Plan.
3. The proposed amendment to the Truckee Canyon Area Plan will provide for land uses compatible with existing and planned land uses to the north, south, east and west of the subject site, and will not adversely impact the public health, safety or welfare.
4. The proposed amendment to the Truckee Canyon Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the Truckee Canyon Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the Truckee Canyon Area Plan is the first amendment to the Plan in 1998, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Truckee Canyon Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and

information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

#### Approval of Administrative Changes

1. The administrative change amendments to the Truckee Canyon Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
2. The administrative change amendments to the Truckee Canyon Area Plan respond to changed conditions and/or further studies that have occurred since the plan was adopted by the Board of County Commissioners.
3. The administrative change amendments to the Truckee Canyon Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

#### **99-216 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-TC-2 - HOSS EQUIPMENT - (APN: 84-120-10)**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on February 26, 1999, to consider the Washoe County Planning Commission's recommendation to amend the Truckee Canyon Area Plan, being a part of the Washoe County Comprehensive Plan, by redesignating portions of Assessor's Parcel No. 084-120-10 from General Rural (GR) to 75 acres of Industrial (I) with 400 acres remaining General Rural. The parcel is located on the north side of I-80 to the west of and adjacent to the I-80 Tracy interchange. The parcel is designated Rural Reserve (RR) on the Truckee Meadows Regional Plan Land Use Diagram, therefore, a finding of conformance with the Regional Plan will be necessary. Administrative changes are necessary to reflect the changes requested within this application, including revisions to the Streets and Highways Map, the Public Services and Facilities Map, and a revised table of land use acreage. Proof was made that due and legal Notice had been given.

Ron Kilgore, Department of Community Development Planner, provided background information and stated that this area of the Truckee Canyon is changing, mostly due to the Asamera project on the other side of the river in Storey County. In response to Board questions, he stated that a project has been submitted which will require a development agreement and a water quality report both of which will have to be approved by the Washoe County Planning Commission and the County Commission.

Chairman Galloway opened the public hearing by asking if there was anyone who wished to speak concerning this comprehensive plan amendment request. There being no response, the public hearing was closed.

Commissioner Sferrazza stated that he thinks minimal use would be best for the Truckee River Canyon and therefore will not support approval of this Comprehensive Plan Amendment.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioners Sferrazza and Short voting "no," Chairman Galloway ordered that Comprehensive Plan Amendment Case No. CPA98-TC-2 and the necessary administrative changes be approved. This action is based on the following findings:

1. The proposed amendment to the Truckee Canyon Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested Industrial land use designation.
2. The proposed amendment to the Truckee Canyon Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan and the Truckee Canyon Area Plan.
3. The proposed amendment to the Truckee Canyon Area Plan will provide for land uses compatible with existing and planned land uses to the north, south, east and west of the subject site, and will not adversely impact the public health, safety or welfare.

4. The proposed amendment to the Truckee Canyon Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the Truckee Canyon Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the Truckee Canyon Area Plan is the second amendment to the Plan in 1998, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Truckee Canyon Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

Approval of Administrative Changes

1. The administrative change amendments to the Truckee Canyon Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

2. The administrative change amendments to the Truckee Canyon Area Plan respond to changed conditions and/or further studies that have occurred since the plan was adopted by the Board of County Commissioners.

3. The administrative change amendments to the Truckee Canyon Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

**99-217 ORDINANCE NO. 1061, BILL NO. 1237 - AMENDING WCC CHAPTER 25 - ROOM TAXES**

Jennifer Stern, Bond Counsel, provided background information stating that this ordinance approves and ratifies bond resolutions that have been adopted by the Reno-Sparks Convention and Visitor's Authority; that it refinances bonds, at lower interest rates; and that it does not extend the maturities of any existing bonds.

Katy Simon, County Manager, stated that she has been advised the savings that can accrue are in the neighborhood of a half million dollars.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1061, Bill No. 1237, entitled, "AN ORDINANCE AMENDING SECTIONS 25.1522 AND 25.86 OF THE WASHOE COUNTY CODE CONCERNING LICENSE TAXES FOR REVENUE UPON ROOM RENTALS; ASSIGNING THE PROCEEDS OF SUCH TAXES FOR PLEDGE BY THE RENO-SPARKS CONVENTION & VISITORS AUTHORITY TO THE PAYMENT OF THE CERTAIN; CONSENTING AND AGREEING TO BE BOUND BY THE PROVISIONS OF THE AUTHORITY'S RESOLUTIONS AUTHORIZING THE ISSUANCE OF BONDS; RATIFYING, APPROVING AND CONFIRMING ACTIONS HERETOFORE TAKEN IN THE AUTHORITY'S REFINANCING AND IN THE IMPOSITION, COLLECTION AND ASSIGNMENT OF SUCH TAXES AND THEIR RESPECTIVE PLEDGES TO SAID BONDS; PRESCRIBING OTHER DETAILS IN CONNECTION HEREWITH; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE THEREOF" be approved, adopted as if an emergency exists, and published in accordance with NRS 244.100.

**99-218 INCLINE VILLAGE COMMERCIAL & LOWER WOOD CREEK WATER QUALITY IMPROVEMENT PROJECT - PUBLIC WORKS**

Upon recommendation of Kimble Corbridge, County Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that:

1. The Incline Village Commercial and Lower Wood Creek Water Quality Improvement Project be approved in concept;
2. Staff be authorized to request \$300,000 from Washoe County's TRPA Water Quality Mitigation Fund for design and construction of the project.
3. Chairman Galloway be authorized to execute the Resolution, which follows, to request 75% funding (approximately \$1,125,000) from the Nevada Tahoe Bond Act and appoint the Director of Public Works as agent for Washoe County;
4. Chairman Galloway be authorized to approve and accept the grant from the Nevada Tahoe Bond Act, if offered.

**RESOLUTION**

**RESOLUTION OF THE WASHOE COUNTY BOARD OF COMMISSIONERS APPROVING THE APPLICATION FOR STATE BOND EROSION CONTROL FUNDS. I.V. COMMERCIAL & LOWER WOOD CREEK WATER QUALITY IMPROVEMENT PROJECT**

WHEREAS, the County of Washoe is submitting an application to the Division of State Lands (Division) for financial assistance; and

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and has set up necessary procedures governing the program; and

WHEREAS, the adopted procedures established by the Division require that the governing board must certify by resolution the approval of proposed project application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the Division.

NOW THEREFORE, BE IT RESOLVED that the proposed I.V. COMMERCIAL & LOWER WOOD CREEK WATER QUALITY IMPROVEMENT PROJECT is approved for implementation.

BE IT FURTHER RESOLVED that the Board of County Commissioners do hereby certify that said agency can finance 100% of their share of the project.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

**99-219 REJECT ALL BIDS - SHORT TERM RENTAL OF CONSTRUCTION EQUIPMENT - BID NO. 2133-99 - VARIOUS DEPARTMENTS**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on January 12, 1999, for short term rental of construction equipment for various Washoe County departments and divisions. Proof was made that due and legal Notice had been given. Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Cashman Equipment Co.
- Hertz Equipment Rental
- Komatsu Equipment Co.
- United Rentals
- Western Power & Equipment

Empire Equipment Co. and Municipal Maintenance Equipment submitted "no-bid" responses; River City Rental responded late; and America Rent, Pioneer Equipment Company, Reno Rents, and Weaver Equipment Co., Inc., failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that all bids received in response Bid No. 2133-99 for short term rental of construction equipment for various Washoe County departments and divisions be rejected.

It was noted that a new Invitation to Bid has been released based upon revised and more specific language dealing with rental discounts of equipment and how the prospective suppliers are to base their rental pricing for the short term rental of construction equipment, which is deemed necessary to ensure the public interest is better served by a new bid process that more clearly identifies the County's requirements, resulting in a better response from suppliers and more uniform pricing across the rental product line.

**99-220 AWARD OF BID - AUTOMOTIVE AND MOTORIZED EQUIPMENT FILTERS - BID NO. 2136-99 - JOINDER BID**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on January 26, 1999, for automotive and motorized equipment filters for various Washoe County departments in joinder with the City of Reno and the Reno-Sparks Convention and Visitors Authority. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Allied Automotive Auto Diesel Electric

Ferrous Supply, Inc., Fleet Supply & Lube Equipment, Napa Auto & Truck Parts Truck Parts & Eq. Co., Interstate Oil Company and Vantage Parts submitted "no-bid" responses; and Arnold Machinery Inc., Cummins International, Incline Auto Parts, Mighty Distributing Systems, Pioneer Equipment Co., Plaza Auto Parts, RWG Enterprises, Smith Detroit Diesel, Titan Rubber and Supply, W.W. Grainger, and Weaver Equipment failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2136-99 for automotive and motorized equipment filters for various Washoe County departments in joinder with the City of Reno and the Reno-Sparks Convention and Visitors Authority be awarded to the following lowest responsive bidders:

**PRIMARY VENDOR:**

Ferrous Supply: All Items. Award shall be for Donaldson brand filters. Discounts for Washoe County and participating joinder agencies shall be applied at 53 percent off distributor price list, using price sheets dated January 1, 1999, Price List # F110032.

**SECONDARY VENDOR:**

Fleet Supply & Lube Equipment: All Items. Award shall be for Donaldson brand filters. Discounts for Washoe County and participating joinder agencies shall be applied at 51 percent off distributor price list, using price sheets dated January 1, 1999, Price List # F110032. The recommendation for the secondary vendor represents the most responsible secondary supplier that has and will be able to supply common and specialty filters at a contracted and competitive price.

It was noted that discounts, prices and exceptions as stated in the Invitation to Bid shall be honored and adhered to until December 31, 2000, with a provision for two one-year extensions of any resultant agreement as long as the successful bidders shall agree not to increase prices during the award period; that the award shall be for an indeterminate amount as these are rolling stock maintenance items and the exact requirements of the using agencies are not known; and that the estimated value for Washoe

County is approximately \$25,000 per year.

**99-221 AWARD OF BID - SHERIFF'S PATROL SAFETY VEHICLE EQUIPMENT - BID NO. 2140-99 - EQUIPMENT SERVICES DIVISION OF THE GENERAL SERVICES DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on January 28, 1999, for Sheriff's Patrol Safety Vehicle Equipment for the Equipment Services Division. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Adamson Industries	Emergency Vehicle Installation
F. Morton Pitt Co.	Lehr Auto Electric, Inc.
Northwest Protective Service	Pursuit Technology Inc.
Setina Manufacturing Co.	Sierra Electronics

Cascade Communications, Emergency Vehicle Equipment, Federal Signal Corporation, Gall's, Law Enforcement Equipment, McLoughlin & Eardley, Motorola, Inc., Radio Sales Co., Rolie Sales Co., Troy Products, Texas Instrument, and Whelen Engineering failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2140-99 for Sheriff's Patrol Safety Vehicle Equipment for the Equipment Services Division be awarded as follows:

BIDDER

Northwest Protective Services dba Emergency Vehicle Systems

BID DESCRIPTION OF ITEMS	UNIT	ITEM OFFERED	COST
#1 Code Three Light Bar			\$985.53
#4 Troy Console - Crown Victoria			57.78
#5 Setina Security Partition - Crown Victoria			238.92
#6 Setina Security Partition - Ford Explorer			219.32
#7 Rear Security Partition - Ford Explorer			231.28
#8 Shotgun mount - electric			46.10
#19 Unity 6" Spotlight			67.76

BIDDER

Emergency Vehicle Installations

BID DESCRIPTION OF ITEMS	UNIT	ITEM OFFERED	COST
#2 Unitrol TM4 Siren and Light Control			\$465.50
(EVI) #9 Shotgun lock brackets			30.00

#11 Radio Stack Brackets	19.00
#12 MS-100 Siren Speaker - Ford Explorer	135.00
#13 MS-100 Siren Speaker - Crown Victoria	135.00
#15 Taillight Flasher System	36.00

BIDDER

Pursuit Technology

BID DESCRIPTION OF ITEMS	UNIT ITEM OFFERED COST
#3 Troy Console	\$190.00
#10 12 Volt Female Accessory Outlet	5.25

BIDDER

Sierra Electronics

BID DESCRIPTION OF ITEMS	UNIT ITEM OFFERED COST
#14 Multi Pattern Headlamp Flasher	\$ 40.60
#16 UHF vehicle radio antenna kit	10.00
#17 VHF vehicle radio antenna kit	10.63
#18 Cellular Telephone vehicle radio antenna kit	13.21

It was noted that this award represents the most advantageous pricing for Washoe County for the various equipment in County-owned vehicles; that pricing shall be honored and adhered to until February 28, 2000, with Washoe County retaining an option for a one-year renewal; and that the anticipated value of this award is approximately \$40,000.00.

**99-222 AWARD OF BID - PHILLIP-ANNIE CALLAHAN RANCH PARK PHASE I - PUBLIC WORKS (PWP-WA-1999-44)**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on February 10 and 17, 1999, for construction of Phillip-Annie Callahan Ranch Park, Phase I. Proof was made that due and legal Notice had been given.

Following is a summary of the bids received:

Canyon Creek Construction	\$396,177.25
Walt Lee Construction	\$460,921.85
Atlas Construction	\$463,095.45

Upon recommendation of Janelle Thomas, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the bid for Phillip-Annie Callahan Ranch Park, Phase I, to include a parking lot, picnic area, picnic area landscaping, irrigation, electrical, water line, earthwork, and miscellaneous improvements, be awarded to Canyon Creek Construction in the amount of \$396,177.25 and that Chairman Galloway be authorized to execute the contract documents.

**LEGISLATIVE UPDATE**

Katy Simon, County Manager, advised that she did send faxes to both Reno and Sparks, concerning the non-consensual annexation bills; that the City of Reno has it on their Council agenda next week; and that the City of Sparks has not put anything on an agenda yet.

Commissioner Sferrazza stated that he had been alerted that SB 273 may have a financial impact on the County in terms of bail forfeiture. Legal Counsel Shipman advised that the District Attorney's Association and various law enforcement groups have come out in opposition to this bill.

A discussion also ensued concerning testimony given by Chairman Galloway and Vice Chairman Short in regard to AB223, which is legislation that was not supported by all of the Board members, and Commissioner Bond expressed her feelings that the testimony was not very flattering and she takes personal affront.

**COMMISSIONERS' /MANAGER'S COMMENTS**

Commissioner Bond stated that the Forum for a Common Agenda representatives asked her if the Board would consider a resolution for their visioning process at a future meeting.

Commissioner Shaw stated that he was very pleased with the joint meeting held with the Reno City Council, even though the County would have preferred a different result, but it did show a good spirit of cooperation.

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 6:35 p.m.

JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk